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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,124	03/01/2002	Yorihito Okuda	029239-0104	2677

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FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

CULBRETH, ERIC D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/085,124	Applicant(s) OKUDA ET AL.	
	Examiner Eric D Culbreth	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by UK Patent Application 2,347,120 (cited by applicant).

In Figures 3-6, UK '120 teaches airbag 6, lid portion 4 and hinge portion 5b, 5e, 9. A door member 5 is disposed on the rear face of the lid portion and is pressed by inflation pressure to be swung to form an opening. The hinge portion comprises a first hinge portion 9, 5e in Figure 6 and a second hinge portion at 5b on the door member open side of the first hinge portion. As seen in Figures 5-6, the second hinge portion 5b is bent in a stage where inflation pressure of the air bag body is lower than some predetermined value to cause formation of the inflation opening to be started (i.e., as functionally recited, the hinge portion 5b has to bend before the predetermined pressure that causes first hinge portion 9 to bend, as first hinge portion 5e, 9 cannot bend until second hinge portion 5b has bent).

Regarding claim 8, as seen when comparing Figures 5 and 6, at least a part of first hinge portion 5e, 9 (i.e., portion 9) and second hinge portion 5b themselves bend. These portions bend in response to two different levels of inflation pressure (as portion 9 cannot bend until portion 5b bends, and the bag pressure is increasing as they bend, they bend at two different levels of inflation)(claim 9). As the second hinge portion 5b bends while the bag is inflating, the predetermined value is below an operational value at which the bag operates (i.e., below the

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pressure the bag achieves when it is fully inflated) (claim 10). In regard to claim 11, the first and second hinge portions 5b, 5e are integrally formed (i.e., as claim 1 only recites that the second hinge portion bends but never recites that the first hinge portion bends, portions 5e and 5b can be considered the first and second hinge portions respectively as broadly recited, and these parts are formed integrally).

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over UK '120 in view of Japanese Patent 6-107103 (of record).

UK '120 does not teach a laterally tapering hinge. Japanese '103 teaches a hinge portion at D that tapers in Figure 1 toward the door member at least from the portion farthest away from the door 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify UK '120 to include a tapered hinge such as taught by Japanese '103 in order to smoothly direct expansion of the air bag (English Abstract).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over UK '120 in view of Japanese Patent 6-144141 (of record).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify UK '120 to include weakened portions on each side of a door portion of the door member in view of Japanese '141 in order to reduce energy loss required for deformation of the cover (English Constitution).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over UK '120 in view of Gray et al (of record).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify UK '120 to include hinge portions (which would include UK '120's second hinge portion) on the center area and on two side areas of the door member as taught by Gray et al's bridges 65 in order to better manage energy during deployment (column 12, lines 1-15 of Gray et al).

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1 and 8-11 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Allowable Subject Matter***

8. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. Claim 2 is allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703/746-3508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Eric D Culbreth  
Primary Examiner  
Art Unit 3616



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